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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 27th July 2001:—

BILL No. 155 OF 2000

A Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 2000.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971,—

Amendment of
section 2.

- (i) in clause (e), in sub-clause (2), items (i) and (ii) shall be omitted; and
- (ii) in clause (fa), sub-clauses (ii) and (iii) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

In their judgements the Bombay High Court and the Supreme Court have upheld that the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, takes precedence over the Rent Control Act. The Judgement has created a number of difficulties for the old tenants who have been residing there for a number of years. The purpose of the Act was to safeguard the interest of Government buildings and to evict the unauthorised occupants such as those employees who are staying in Government accommodation even after their retirement from service or others who have been put in there unauthorisedly by employees. Expansion of public sector undertakings such as Government owned companies, nationalised banks and other nationalised sectors has brought in a number of old tenants under the purview of this Act. As a result of this and due to the above said judgement the old tenants have lost protection of the Rent Control Act. In fact there are enough provisions under the Companies Act, 1956 and/or under Rent Control Act to take care of those who are occupying the Government buildings without authority.

Under these circumstances, the amendment is imperative to exclude such public sector undertakings from the purview of the Act so as to give relief to old tenants. It is also necessary to bring the Government companies on par with the private landlords. Another important aspect is the tenancy right which is a valuable right in cities and there is no reason to deprive the tenants of the same without any reason.

Hence this Bill

NEW DELHI;
July 31, 2000.

RAMDAS ATHAWALE

BILL No. 154 OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2000.

Short title .

2. After article 18 of the Constitution, the following sub-heading and article shall be inserted, namely:—

Insertion of
new article
18A.

“Right to Employment”

18A. (1) Every citizen, whose name is registered with the Employment Exchange set up by the State, shall have the right to employment.

Right to
employment
and Unemploy-
ment
allowance.

(2) Every citizen mentioned in clause (1), who has not been provided with employment through the Employment Exchange, shall be given an unemployment allowance at the rate of rupees three hundred per month till the time he is provided with employment”.

STATEMENT OF OBJECTS AND REASONS

The capacity and talent of youth in our country can be fully harnessed by providing suitable employment to each one of them whose name is registered with the Employment Exchanges. If we utilize the entire man-power of our country, our nation can become more prosperous.

The aspiration of the people of our country is that every youth should be employed. Not even a single youth should have been without employment after 52 years of our Independence. But even today there is a long queue of unemployed youths who are registered with the Employment Exchanges. All unemployed young men and women whose names are registered with Employment Exchanges, should be given unemployment allowance till they get employment through Employment Exchanges. For achieving the socialistic objective enshrined in the Constitution, the right to employment should be made a fundamental right.

This Bill seeks to achieve this object.

NEW DELHI;
July 31, 2000.

RAMDAS ATHAWALE

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that all citizens who have registered with Employment Exchange shall have the right to employment. A provision has also been made in this Bill to give Rs. 300/- per month as unemployment allowance to every unemployed citizen whose name is registered with Employment Exchange and who has not been provided with employment. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of Union Territories and for giving grants-in-aid to the States for meeting their entire expenditure on this account. It is estimated that it will involve a recurring expenditure of rupees twenty crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees one and a half crore is also expected to be incurred.

BILL NO. 161 OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 2000.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of
new Part
XXIA.

2. After Part XXI of the Constitution, the following new Part and articles thereunder shall be inserted, namely:—

"PART XXIA

CO-OPERATIVE SECTOR

Definition of
co-operative
sector.

392A. In this Part, the expression 'co-operative sector' means co-operatives formed and run by farmers, farm labour, persons engaged in rural industries and consumers.

392B. The persons who form the co-operatives in the co-operative sector shall elect a body, which shall consist of a President, a Vice-President and other members to run the affairs of the co-operatives and they shall hold office for a period of one year.”.

Persons who form co-operatives shall elect a body to run the affairs of co-operatives.

3. In the Seventh Schedule to the Constitution, in List III-Concurrent List, after entry 47, the following entry shall be added, namely:—

Amendment of Seventh Schedule.

“48. Co-operative sector, which shall comprise co-operatives formed and run by farmers, farm labour, persons engaged in rural industries and consumers.”.

STATEMENT OF OBJECTS AND REASONS

There is no provision in the Constitution to protect and expand the scope of co-operatives in private and public sectors. The big industrial houses under private sector exploit the situation and the farmers and producers have to sell their produce at throwaway prices as the farmers have no means to process their produce which could be used for self-consumption and sale at remunerative prices. There is, therefore, considerable scope to develop this sector and improve the rural economy of the country.

By developing co-operative sector, the actual producers and the local people will have opportunity to establish rural industries which will gain them maximum benefit in terms of employment and remunerative prices for their produce.

For financing the setting up of such co-operatives and proper utilisation of rural raw materials, no separate funds are required. A large number of public sector banks are already operating in rural areas and they provide loans to farmers and workers for setting up industries.

The Government should come forward for creation of a co-operative sector and also give it proper place in the Constitution.

Hence this Bill.

NEW DELHI;
November 6, 2000.

SUBODH MOHITE

BILL NO. 158 OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2000.

Short title.

2. After article 24 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
24A

“24A. Every citizen shall have the right to corruption-free service in all offices and bodies under the State.”.

Right to
corruption free
service.

STATEMENT OF OBJECTS AND REASONS

The fundamental rights enshrined in the Constitution represent two important facts. The first is that they are an explicit and significant articulation of the basic rights that every citizen in the country must enjoy in order to ensure that we have a meaningful democracy and the ideals articulated in the Preamble of the Constitution and realised in practice. The second important fact is that they represent the rights which a citizen must enjoy if we want to have good governance by removing social evils like untouchability. These rights have evolved over generations. They represent the lessons the society has learnt from the past experience when these rights were not available to the citizens and consequently there was suffering and misgovernance. For example, the protection from double jeopardy must have arisen because there was a time when a person could be punished again and again for the same offence.

Fifty three years of our existence as independent nation and 50 years of working of the Constitution has resulted in one common experience of all Indian citizens. They cannot go to any public organisation or office today and get the service which they are supposed to get without either paying bribe or bringing influence by way of recommendations or references from VIPs. Today, the situation is so bad that even a simple work, can be get done only after paying necessary bribe or bringing influence. It is a shameful thing that our country has been rated as one of the most corrupt countries in the world. Corruption cannot go unchecked. It will kill initiative, industriousness and skill. It will rather develop a lack of sensibility and irresponsibility. Today, corruption is not only in Government departments but is prevalent everywhere.

When we are talking about transparency in administration, freedom of information, etc. it would be appropriate to talk about prevention of corruption which all go together. Today, we are attracting maximum foreign investment. Our computer engineers are doing proud to the nation. But one single factor, corruption has downgraded our image to such an extent that all our efforts have been nullified. Certain steps like—

- (i) computerisation of all records;
- (ii) immediate action in case of corruption;
- (iii) complete and accurate transparency in administration; and
- (iv) severe punishment to the guilty

can be initiated immediately to tackle this menace.

With this in view, it is proposed to amend the Constitution to make corruption free service as a fundamental right.

Hence this Bill.

NEW DELHI;
November 6, 2000.

SUBODH MOHITE.

BILL No. 174 of 2000

A Bill to provide for the constitution of a States Reorganisation Commission for recommending reorganisation of the States of the country.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the States Reorganisation Commission Act, 2000.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act unless the context otherwise requires,—

Definitions.

(a) "Commission" means the States Reorganisation Commission constituted under section 3;

(b) "State" includes Union territory; and

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) The President of India shall constitute a States Reorganisation Commission consisting of a Chairperson and four other members to consider and prepare a report on the reorganisation of the States of Country.

Constitution
of State
Reorganisation
Commission.

(2) The conditions of service of the Chairperson and other members of the Commission shall be such as may be prescribed.

(3) The Central Government shall make available to the Commission such officers and staff, as may be deemed fit, to assist it in the discharge of its functions.

Report of the
Commission.

4. (1) The Commission shall, within a period of six months from the date of its constitution, submit its report to the President of India, who shall cause the same to be laid before each House of Parliament.

(2) The Commission's recommendations will be based on the following:—

(i) the area and population of a State;

(ii) the availability of infrastructure facilities like power, roads, and communication state of agriculture, industries available in different areas of the State and state of education;

(iii) the resources available in the State;

(iv) the general index of growth of the State;

(v) the total revenue collection in different areas of the State.

Central
Government to
implement the
report of
Commission.

5. The Central Government shall, with such modification and alteration in the report of the Commission, as it may deem fit, implement the recommendations made in the report of the Commission, within such time as may be recommended by the Commission.

Power to make
rules.

6. The Central Government may by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

A Commission comprising three members was constituted six years after independence for the reorganisation of States of India. The division of States was made on linguistic basis in the light of the recommendations of the said Commission. Since then vast changes have taken place in all sphere of activities and development in the country. There have been demands from various parts of the country for creation of separate States. These demands are culmination of the experience undergone by the people since the creation of the States on linguistic basis. Such demands for creation of new States should be given due consideration before the situation becomes explosive. It is, therefore, necessary that a Commission is constituted to report on the reorganisation of the States. The Commission should take into consideration all relevant facts before making its recommendations regarding creation of new States.

Hence this Bill.

NEW DELHI;
November 6, 2000

SUBODH MOHITE.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the President of India shall constitute a States Reorganisation Commission consisting of a Chairperson and four other members to consider and report on the reorganisation of the States of the country. It further provides that the Central Government shall make available such officers and staff, as may be prescribed, to assist it in the discharge of its functions. Since the salaries and allowances to be paid to the members of the Commission and to the officers and staff appointed to assist the Commission in the discharge of its functions are to be prescribed by the rules made under the Act, it is not possible to give an exact amount of expenditure that will be incurred in case the provisions of the Bill are brought into force.

However, it is estimated that a recurring expenditure to the tune of rupees fifty lakh is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made will relate to matters of detail only, the delegation of legislative power is of normal character.

BILL No. 167 OF 2000

A Bill to provide for the establishment and control of National Parks and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the National Parks Act, 2000.

Short title,
extent and
commence-
ment.

(2) It extends to whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Director General" means the Director-General of Wild Life and National Parks appointed under section 7;

(b) "Gazette" means the Gazette of India;

(c) "National Park" means a National Park established under section 3; and

(d) "Officer" means the Director-General or any other person referred to in section 7.

Reservation of
land and
declaration of
National
Parks.

3. (1) The State Government may on the request of the Central Government reserve any land in the State (including any marine area) for the purpose of a National Park under a name to be assigned to it by the Central Government.

(2) After the land is so reserved by the State Government, the Central Government may declare its intention to constitute such area as a National Park.

(3) The area so reserved shall be placed under the control of a National Park Committee established under section 6.

(4) The reservation of land under this section shall not be revoked except with the concurrence of the Minister concerned in writing.

(5) Any reservation of land under this section shall be notified in the Gazette and such notification shall—

(a) describe the reserved land;

(b) designate the authority having the control of the land so reserved; and

(c) be conclusive evidence that the land so described is reserved for the purpose of this Act.

Formation of
Advisory
Council.

4. (1) There shall be a National Parks Advisory Council which shall consist of the following members, namely:—

(a) a Chairman to be appointed by the Central Government;

(b) one representative nominated by the State Government from each of the States in which there is a National Park or part thereof;

(c) the Director-General of Wild Life and National Parks;

(d) a representative of the Department of Planning and Development of the State;

(e) a representative of the Tourism Development Corporation, if any, of the State;

(f) a representative of the Department of Forest of the State; and

(g) not more than five persons to be appointed by the Central Government.

(2) A member appointed under clause (a) or (g) of sub-section (1) shall hold office for such period of time as the Central Government may decide and that Government may at any time remove him from office without assigning any reason therefor.

Function of
Advisory
Council.

5. (1) The National Parks Advisory Council shall advise the Central Government on matters relating to the conservation, utilization, care of National Parks, declared as such by the Central Government, and such other matters as that Government may from time to time refer to it or on matters which it considers necessary on its own.

(2) Subject to regulations made under this Act, the Advisory Council shall determine its procedure at its sittings.

Formation of
Committee for
each National
Park.

6. (1) A Committee shall be constituted by the Central Government for each National Park consisting of the following members, namely:—

(a) the Secretary of the Forest Department of each State within which the National Park is situated;

(b) a representative each of such departments of the Government of the State as the Central Government may consider necessary to be represented;

(c) such other persons not exceeding three in number as the Central Government may appoint and the provisions of sub-section (2) of section 4 shall apply *mutatis mutandis* in the case of an appointment under this clause.

(2) The Secretary of the Forest Department of the State shall be the Chairman of the Committee, but where a National Park is situated within two States or more, the Secretaries of Forest Departments of such States shall act as Chairman in rotation and, subject to regulations made under section 11, the Committee shall determine its procedure at its sittings.

(3) A Committee constituted under this section shall be responsible for the conservation, utilization, care, control, management and development of National Park for which it is constituted and, in discharging its responsibility under this Act, the Committee shall act on such directives as the National Parks Advisory Council may issue from time to time.

7. The Central Government shall, for purposes of this Act, appoint a Director-General of Wild Life and National Parks, and such other officers and employees as may be necessary.

Appointment of Director-General, etc.

8. (1) The Director-General and other officers appointed by the Central Government shall be responsible for the proper carrying out of the provisions of this Act and in so doing persons shall be referred to by the designation given to them under this Act.

Functions of the Director-General.

(2) The Director-General shall have the general supervision and direction of all matters relating to National Parks.

(3) The Central Government may from time to time give the Director-General directions of a general character and not inconsistent with the provisions of this act as to the exercise of the powers conferred on, and the duties to be discharged by the Director-General under this Act and the Director-General shall give effect to all such directions.

9. (1) The State Government may with the concurrence of the Central Government lease or permit the use or occupation of any land within a National Park subject to such conditions and restrictions as it thinks fit to impose and for any of the following purposes only, namely:—

Giving leases in National Parks.

(a) the construction and maintenance of roads;

(b) the construction and maintenance of air strips;

(c) the construction and maintenance of dams and reservoirs;

(d) the construction and maintenance of hotels, rest houses, dwelling houses, buildings and works of public utility, where the State Government considers any of these purposes to be necessary and in the interests of the development of the National Parks; and

(e) mining or prospecting in accordance with the provisions of section 10.

(2) Any land leased by the State Government or in respect of which any use or occupation has been permitted by the State Government under sub-section (1), shall continue to form part of National Park and the subject to the provisions of this Act, and of any regulations made thereunder save in so far may be set out in any condition or restriction imposed by the State Government under sub-section (1).

(3) Subject to this Act, any lease or permit to use or occupy land under this section shall be issued in accordance with the regulations hereafter provided.

(4) Save by virtue of any right conferred by or acquired under or in respect of any lease or permit under sub-section (1) or as otherwise in this Act provided, no person other than an officer may reside on, enter, use or occupy any land within and forming part of a National Park without the permission of the Director-General.

10. (1) Except as provided in sub-section (2) of this section, no mining or prospecting operations shall be carried on within a National Park.

Mining leases.

(2) If at any time the State Government has reason to believe that in a particular portion of a National Park a mineral deposit exists of such richness that it would be

contrary to the interests of the State that it should not be mined, the State Government may with the concurrence of the Central Government, issue under the law relating to mining, licences to prospect that portion of the National Park and if necessary issue thereafter mining certificates or mining leases in respect of that portion of the National Park or of any part of that portion.

(3) Where any mining certificate or mining lease is used in respect of any land within a National Park, the holder of the certificate or the lease shall have such rights of passage, licences or other facilities as may be necessary for the practical exercise of the rights guaranteed by such certificate or lease.

(4) Notwithstanding anything in the law relating to mining, there shall be an implied condition in a mining certificate or mining lease issued pursuant to this section that any officer shall have such rights of entry into the land in respect of which a licence to prospect, a mining certificate or a mining lease has been issued as may be necessary in order that he may carry out the object of this Act in respect of such land of the National Park generally.

Power of
Central
Government to
make
regulations.

11. (1) The Central Government may make regulations, not inconsistent with this Act, as to any or all the following matters, namely:—

- (a) the exclusion of members of public from certain areas within a National Park;
- (b) the prohibition of the killing, maiming, trapping, capturing or impounding of any wild life within a National Park and the disposal of such wild life killed, maimed, trapped, captured or impounded;
- (c) the prohibition of such animals, as may be specified, from being taken into or remaining within a National Park;
- (d) the burning and cutting of vegetation within a National Park;
- (e) the disposal of wild life, vegetation or other things formed within a National Park;
- (f) the search of any person suspected of contravening any regulation made under this Act;
- (g) the periods and times within which the public may have access to a National Park or any part thereof;
- (h) the regulation of the conduct, obligation and duties of persons residing or travelling or camping in a National Park and the safety of persons visiting such Park and their liability for all reasonable expenses incurred in connection with searches to find persons who have become or are reasonably believed to have become lost therein;
- (i) the fees for the issue of permits to enter into or camps within a National Park, for the admission of vehicles into and the taking of photographs within a National Park or for the services connected with the use of enjoyment of a National Park;
- (j) the protection, preservation and care of a National Park and of permanent works and works of maintenance and of facilities and amenities and of wild life, and regulation and features of science, and scientific or historical interest therein;
- (k) the regulation of traffic and carriage of passengers within a National Park;
- (l) the seizure and disposal of any vehicle, vessel, animal or other article or thing in respect of which there is a contravention of any regulation made under this Act;
- (m) penalties in respect of the contravention of any regulation made under this Act;

(n) the construction and maintenance of hotels, rest houses, dwelling houses, buildings and works of public utility;

(o) the powers and duties of officers in relation to the carrying out of the provisions of this Act and regulations made thereunder;

(p) the procedure to be adopted by the National Parks Committees at their meetings and the remuneration or allowances to be paid to members thereof; and

(q) such other matters as the Central Government may consider necessary for the efficient control and management of a National Park or for the attainment of the object of its establishment.

(2) The Central Government may make different regulations under sub-section (1) of this section in respect of different National Parks.

STATEMENT OF OBJECTS AND REASONS

The object of the establishment of National Parks is the preservation and protection of wild life, plant life and objects of geological, archaeological, historical and other scientific and scenic interest and through their conservation and utilization to promote the education, health, aesthetic values of recreation of the people.

Recently many tigers, leopards and other animals died in many zoos for want of proper and adequate facilities.

Therefore, there is an urgent need to protect the animals and environment.

Hence this Bill.

NEW DELHI;
November 6, 2000.

SUBODH MOHITE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the formation of a National Parks Advisory Council; Clause 6 provides for formation of a Committee for each National Park; and Clause 7 provides for appointment of a Director-General of Wild Life and National Parks and such other officers and employees as may be necessary. Payment of travelling allowance, etc. to members of the Advisory Council and National Park Committees, and salaries to Director-General and other officers is likely to involve an annual recurring expenditure of about rupees one crore from the Consolidated Fund of India.

An amount of about Rs. 2 crore will also be involved from the Consolidated Fund of India towards non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Under clause 10(1), State Governments are empowered to prescribe conditions and restrictions to be imposed on leasing out land in National Parks. Under clause 11, the Central Government may make regulations for certain matters given under that section. Since the regulations to be made will provide for matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 176 OF 2000

A Bill to provide for free medical and engineering education to meritorious and economically weaker students who cannot afford the expensive medical and engineering education, despite being talented and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Provision of Free Medical and Engineering Education to Meritorious and Economically Weaker Students Act, 2000.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means the State Government in the case of a State and Central Government in other cases;

(b) "economically weaker students" means such student whose family income from all sources is not more than rupees two thousand per month; and

(c) "prescribed" means prescribed by rules made under this Act.

3 . (1) The appropriate Government shall provide free medical and engineering education to every such meritorious and economically weaker student who has obtained such marks or has passed the examination with such distinction as may be prescribed from time to time.

Provision of free medical and engineering education to meritorious and economically weaker students.

(2) The appropriate Government shall provide to every economically weaker student admitted in any medical or engineering college or institution including non-Governmental medical or engineering college the following facilities under this Act:—

(a) all expenses to be incurred on admission or tuition fees;

(b) free material like books, note books, writing material;

(c) free hostel facilities, wherever necessary; and

(d) scholarships, in such cases, as may be prescribed.

4. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters provided in this Act.

Provisions of the Act not to be in derogation of any other law for the time being in force.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Most of the parents aspire to make their sons or daughters either a doctor or an engineer and most of the youths studying in the schools also have this desire. However, there are many extraordinarily brilliant students whose dreams are not realised only due to poverty even though they have the capacity to clear all the obstacles. Medical and engineering education is so expensive that even middle class families cannot afford to provide this education to their children or those living below the poverty line. For this reason, a large number of meritorious students are not able to get admission in medical or engineering colleges.

Since our country is a welfare State, it is our duty to provide opportunity to such poor but meritorious students to continue the course of their interest and fulfill their life's ambition. The appropriate Government should bear all the expenses to be incurred on the studies of the students in the engineering or medical colleges in such cases.

NEW DELHI;
November 6, 2000.

RAMDAS ATHAWALE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free medical and engineering education by the appropriate Government for meritorious and economically weaker students admitted in a privately owned medical or engineering college. This clause also provides for scholarships including certain other facilities to poor students. As regards the expenditure involved in giving effect to the provisions of the Bills in States, it shall be borne out of the Consolidated Funds of the respective States. However, in case of Union territories, the expenditure shall be met out of the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore is likely to be involved as a recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. These rules will relate to matters of details only. The delegation of legislative power is, therefore, of a normal character.

BILL No. 166 OF 2000

A Bill to provide for the protection and welfare of cotton growers.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Cotton Growers (Benefit) Act, 2000.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "cotton grower" means any person who cultivates cotton;

(b) "small and marginal cotton growers" shall mean cotton growers who are declared as such under this Act; and

(c) "prescribed" means prescribed by rules made under this Act.

3. The Central Government shall procure through the Cotton Corporation of India all the cotton produced in the country and shall also fix remunerative price of cotton every year after taking into consideration the increase in prices of cotton seeds, pesticides and fertilizers, total investment capacity of cotton growers and such other factors, as may be prescribed. Central Government to procure cotton and fix remunerative price thereof.
4. The Central Government shall endeavour to export all the excess cotton produced in the country during a year. Export of excess cotton.
5. The entire cotton grown by the small and marginal cotton growers shall be compulsorily insured free of cost by the Central Government against natural calamities, decline in yields of cotton produced, fall in prices of cotton and such other eventualities, as may be prescribed. Insurance.
6. (1) The Central Government shall establish a Fund to be known as the Cotton Growers Benefit Fund. Establishment of Cotton Growers Benefit Fund.
- (2) The Central Government and State Governments shall contribute to the Fund in such ratio, as may be prescribed.
- (3) The Fund shall be utilized for the following purposes:—
- (a) to extend financial help to the small and marginal farmers in such cases, as may be prescribed;
- (b) giving financial assistance to cotton growers for purchasing cotton seeds, pesticides and fertilizers and in cases of low yields or fall in prices of cotton or destruction of their crops due to rains, cyclones and floods.
7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The market fluctuations, nature's fury and Government's neglect have driven the cotton growers into a crisis. Declining yields and falling prices are making the lives of the poor farmers miserable. The agony that gripped the cotton growers in Prakasham district of Andhra Pradesh had even caused suicides in 1987. Andhra Pradesh is one of the three major cotton producing States alongwith Gujarat and Maharashtra. Cotton is mainly produced in Guntur, Prakasham, Kurnool, Mahabub Nagar, Warangal and Adilabad districts of Andhra Pradesh. The costs of cotton inputs have shot up increasing the total capital investment of the farmers. The peasant organisations are demanding remunerative prices of cotton for cotton growers. But instead of getting remunerative prices, the cotton growers have to face shocking experiences as prices in different markets in the State have generally declined by 20 per cent. as compared to the previous year.

The main reason behind the cotton growers getting non-remunerative prices is availability of excess stock of cotton in the market. There is, therefore, an urgent need to bring a law assuring the cotton growers of Government's help in the event of excess production or fall in prices and also to ensure that their minimum needs are looked after by the Government. The creation of a fund and a provision of insurance cover for cotton growers will help them immensely.

Hence this Bill.

NEW DELHI;
November 11, 2000.

RAMDAS ATHAWALE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the purchase of cotton from cotton growers by the Central Government through the Cotton Corporation of India. Clause 5 provides that the entire cotton grown by small and marginal cotton growers shall be compulsorily insured free of cost by the Central Government against natural calamities, etc. Clause 6 provides for the establishment of a Cotton Growers Benefit Fund to which the Central Government and State Governments shall contribute in such ratio, as may be prescribed. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees two hundred crore per annum.

A non-recurring expenditure to the tune of rupees three hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

BILL No. 159 OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2000.

Insertion of
new article
364A.

2. After article 364 of the Constitution, the following article shall be inserted, namely:—

Promotion of
sports.

“364A. (1) The Union shall take steps to:—

(i) promote and encourage sports activities in the country;

(ii) make available all necessary facilities or provide funds to all associations and institutions involved in promotion of sports;

(iii) set up sufficient number of stadiums equipped with all modern facilities at international standards for promoting sports and grooming up players in all fields.”

(2) Parliament may by law provide for regulation of sports associations and federations with a view to ensuring that they function and involve in activities for which they have been set up.

3. In the Seventh Schedule to the Constitution,—

Amendment of
Seventh
Schedule.

(i) in List I—Union List, after entry 68, the following entry shall be inserted, namely:—

“68A. Sports and games”; and

(ii) in List II—State List, in entry 33, the word “sports” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Even after fifty-three years of independence we have not made our presence felt in sports activities at international level. No effort has been made to arrest declining standard of sports in the country. Ours is the second most populous country and is endowed with various climatic conditions suitable for developing all kinds of sports and games activities. The performance of our sportsmen in international sports meets has been dismal.

One reason for sports not being given sufficient focus is that the subject is in the State List. As a result, it has not received due attention of the Union Government. It is, therefore, necessary to amend the Constitution with a view to giving due importance to sports at national level. The Bill will enable formulation of a national sports policy and encourage all spheres of sports activities in the country. The Bill seeks to provide for funds and facilities to institutions/associations involved in sports activities. It also seeks to amend the Seventh Schedule of the Constitution with a view to transferring the entry 'sports' from State list to Union list.

Hence this Bill.

NEW DELHI;
November 8, 2000.

PRAHLAD SINGH PATEL

FINANCIAL MEMORANDUM

Clause 2 of the Bill provide for promotion and encouragement of sports activities in the country. It also provides for construction of stadiums equipped with modern facilities, allocation of funds to associations/institutions involved in sports activities. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees ten crore is likely to be incurred. A non-recurring expenditure of about rupees one hundred crore is also likely to be incurred.

BILL NO. 162 OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

- | | |
|---------------------------|---|
| Short title. | 1. This Act may be called the Constitution (Amendment) Act, 2000. |
| Amendment of article 130. | 2. Article 130 of the Constitution shall be renumbered as clause (1) thereof and after clause (1), the following clause shall be inserted, namely:—

“(2). There shall be established a permanent bench of the Supreme Court at Chennai, consisting of such number of Judges of the Supreme Court as the Chief Justice of India may from time to time determine, but not less than five in number, to exercise the powers and jurisdiction for the time being vested in the Supreme Court in respect of cases arising in the States of Andhra Pradesh, Karnataka, Kerala and Tamil Nadu and Union territory of Pondicherry.”. |

STATEMENT OF OBJECTS AND REASONS

The Supreme Court, the apex Court of justice in the country is located in Delhi. The litigant public have to come to Delhi in connection with their cases in Supreme Court. Countless other people have also to come to Delhi in response to the summons of the Supreme Court.

India being such a vast country, all such visits to the Supreme Court from far off places exact a very high cost in terms of time and money on litigants. This is more so, in case of people coming from southern India. From the administrative point of view also serving of notices, paper work, postal exigencies in regard to distant places are leading to staggering of cases, postponement, ex parte decisions, etc., the major reasons behind delays in delivery of justice.

Under the circumstances creation of a bench of the Supreme Court in southern India is a crying need of the hour.

Chennai the cyber city of the nation is ideally suited for the purpose and is having infrastructure and other facilities. It is also well connected both within the region and with Delhi.

In case a Bench of the Supreme Court is set up here it would not only save the time and money of the litigants but also help in expeditious disposal of cases.

The Bill accordingly seeks to amend the Constitution of India.

NEW DELHI;
November 8, 2000.

A.D.K. JEYASEELAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of a bench of the Supreme Court at Chennai. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty lakhs per annum.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

BILL No. 165 OF 2000

A Bill to provide for the establishment of a permanent Bench of the High Court of Mumbai at Nasik.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the High Court of Mumbai (Establishment of a permanent Bench at Nasik) Act, 2000. Short title.

2. There shall be established a permanent Bench of High Court of Mumbai at Nasik and such Judges of the High Court of Mumbai, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Nasik in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Nasik, Ahmed Nagar and Dhulia. Establishment of a permanent Bench of High Court of Mumbai at Nasik.

STATEMENT OF OBJECTS AND REASONS

Nasik city is a fast growing city. People have to go to Mumbai or Aurangabad in regard to their cases of litigation. It is a costly as well as time consuming affair adding to much inconvenience which can easily be avoided. If a bench of the High Court is set up at Nasik, it would expedite disposal of cases and delivery of justice.

Hence this Bill.

NEW DELHI;
November 8, 2000.

UTTAMRAO DHIKALE

BILL NO. 168 OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2000.

Short title.

2. In the Seventh Schedule to the Constitution,—

Amendment
of Seventh
Schedule.

(i) In List II — State List, after entry 32, the following entry shall be inserted, namely:—

"32A. Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I."

(ii) in List III — Concurrent List, in entry 25, the words "Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I shall be omitted."

STATEMENT OF OBJECTS AND REASONS

Education shapes a human being. It is the foremost in everybody's life. Every child must have sound basic education which would ultimately shape him as a learned man and good citizen.

India is diverse in its customs, traditions and historical backgrounds. No uniform education is possible throughout the country. Each State should be left with the power to formulate its own system, syllabus and pattern of education to suit its needs.

State Governments are capable of administering their educational set up.

If 'education' is incorporated in State List, it will result in growth of sound educational system.

Hence this Bill.

NEW DELHI;
November 8, 2000.

A.D.K. JEYASEELAN

BILL No. 178 OF 2000

A Bill to provide for the constitution of a National Agriculture Commission with the objective to increase agricultural productivity in the country.

BE it enacted by Parliament in the fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the National Agriculture Commission Act, 2000.
(2) It extends to the whole of India.
(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

2. In this Act, Unless the context otherwise requires;—

Definitions.

(a) "agricultural products" includes food grains, spices, horticultural products, fruits, vegetables, commercial crops, dairy products and also includes processed products;

(b) "Chairman" means Chairman of the Commission;

(c) "Commission" means the National Agriculture Commission;

(d) "Co-opted member" means a member co-opted on the Commission;

(e) "Member" means a member of the Commission; and

(f) "Prescribed" means as prescribed by rules and regulations made under this Act.

Constitution
of National
Agriculture
Commission.

3. There shall be constituted by the Central Government a National Agriculture Commission for carrying out the purposes of this Act.

Constitution
of State Agri-
culture Board.

4. There shall be constituted by the Central Government a State Agriculture Board for each State which shall work under the National Agriculture Commission to assist it in discharging its functions.

Chairman and
members of
the Commis-
sion.

5. The Commission shall consist of—

- (a) a Chairman to be nominated by the Central Government;
- (b) nine other members to be nominated by the Central Government in the following manner, namely:—
 - (i) three representatives of agriculturists;
 - (ii) one Vice-Chancellor of an agricultural university;
 - (iii) one person having experience in dairying and animal husbandry management;
 - (iv) two persons from financial institutions of whom at least one shall be from a credit co-operative institutions;
 - (v) one representative from the co-operative marketing field; and
 - (vi) one representative of labourers.

(c) Presidents of State Agricultural Boards shall be members co-opted as and when so required in the event of problems concerned with a State or the States.

President and
other
members of
State
Agriculture
Board.

6. Each State Agriculture Board shall consist of:—

- (a) a President to be appointed by the Central Government in consultation with the Government of the respective State;
- (b) seven other members of whom three shall be appointed by the Central Government and four by the respective State Government in the following manner, namely:—
 - (i) of the three members to be appointed by the Central Government, at least one shall be from co-operative marketing field and at least one from credit co-operative institution;
 - (ii) the State Government shall appoint four members in the following manner, namely:—
 - (a) two representatives of agriculturists;
 - (b) one representative from credit co-operative institutions; and
 - (c) one representative of labourers.

Tenure of the
Chairman
and members
of Commis-
sion and
State
Agriculture
Board.

7. (1) The tenure of office of the Chairman and the members of the Commission shall be for a period of three years from the date of appointment.

(2) Notwithstanding the provisions of sub-section (1) the Central Government shall have the right to reconstitute the Commission at any time before the expiry of the tenure.

(3) The provisions of sub-sections (1) and (2) shall also apply to the office of the President and the members of the State Agriculture Board of each of the States.

Chairman of
the Commis-
sion as Chief
Executive
Authority.

8. The Chairman shall be the Chief executive authority of the Commission.

Authority
vests in the
Commission.

9. (1) The authority for carrying out the provisions of this Act shall vest in the Commission.

(2) The Commission shall have the power to appoint panels and sub-Committees as and when required.

10. The Commission shall—

Functions of
the Commis-
sion.

1. (a) recommend measures to increase agriculture production;

(b) undertake continuous research for increasing production of agricultural products;

(c) recommend to the Government to establish cold storage facilities for agricultural products at appropriate places;

(d) recommend the measures to increase the storage facilities in relation to food grains;

(e) recommend to the Government the items of agricultural products which are to be imported or exported;

(f) recommend to the Government the loan facilities or financial assistance to be extended to farmers;

(g) any other matter relating to agriculture.

2. (a) fix remunerative prices of agriculture commodities and declare them before the sowing seasons and, while fixing such remunerative prices, the Commission shall keep in view all relevant factors but in particular the following factors, namely:—

(i) the input cost including capital investment;

(ii) the average cost of land;

(iii) the labour charges as fixed under the Minimum Wages Act, 1948 and amended from time to time;

(iv) the farmer and his family members' labour input including consumptive finance;

(v) the expenditure on insurance, if any;

(vi) any other incidental expenditure;

(vii) interest on loans borrowed for this specific purpose;

(viii) incentives for intensive agriculture, scientific methods and improved technology and income factors;

(ix) maintenance cost of the farm.

3. (a) carry out studies in the marketing of agricultural products and make recommendations to the Central Government;

(b) carry out studies in the new agricultural technologies and make its recommendations to the Central Government;

(c) recommend measures to the Government either to provide secondary occupation or alternate employment or compensation to the small farmers and marginal farmers in their off season unemployment so as to make their agriculture viable and prevent their mobility from the farms to other places for employment and additional earnings;

(d) recommend on the use of employment guarantee schemes for land development particularly utilizing the services of farmers in their off season unemployment for the development of their own land; and

(e) recommend different financial facilities like provident fund, gratuity, etc. to the farm labour and wage-earners on agriculture as in the case of industrial labour.

4. Recommend to the Central Government the measures to be taken in case of fall down in prices due to heavy production of an agricultural product during a particular season and facilities to be given to farmers to encourage them for growing that agricultural product also in the next sowing season.

Power to
make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this act.

(2) All rules made under this section shall, as soon as may be after they are made, be laid before each House of Parliament.

Power to
regulate the
functioning of
the Commis-
sion and State
Agriculture
Boards.

12. The Commission may, with the previous approval of the Central Government, make regulations, consistent with the provisions of this Act and the rules made thereunder, regulate the functioning of the Commission and the State Agriculture Boards.

STATEMENT OF OBJECTS AND REASONS

Our country is an agriculture based economy even after rapid industrialisation. In the last two-three years it was witnessed that agricultural production touched the low ebb. Measures taken to improve agricultural production did not bear any result. As most of the farming community depends upon rains for irrigation, production differs from season to season. In one season agricultural production is very good and in next season the production falls down. Since adequate cold storage facilities are not available in our country, the prices of agricultural products go up when there is low production. Since, farmers are discouraged from growing a particular agricultural product if the price of that product goes down in a particular season, the price of product goes up during the next season. The Government should take steps to check the vagaries in production and prices from season to season. Adequate remunerative prices should be given to farmers and announced well before the sowing season to solve these problems.

Therefore, with a view to increasing the agricultural production in the country, it is proposed to set up a National Agriculture Commission.

NEW DELHI;
November 8, 2000

UTTAMRAO DHIKALE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a National Agriculture Commission. Clause 4 provides for the constitution of a State Agriculture Board in every State. To meet the expenses of the National Agriculture Commission and to some extent the expenses of the State Agriculture Boards also, a sum of rupees five crore is likely to be incurred annually from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crore is also likely to be incurred on the constitution of the Commission and the Boards.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill. Clause 12 empowers the Commission to make regulations, with the previous approval of the Central Government to regulate the functioning of the Commission and the State Agriculture Boards. Since the rules and regulations will relate to matters of detailed procedure only, the delegation of legislative power is of a normal character.

BILL No. 191 of 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2000.

Short title and
extent.

(2) It extends to the whole of India.

2. After article 21 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
21A.

“21A. (1) The right to free and compulsory education to all children upto the age of fourteen years is hereby guaranteed.

Free and
compulsory
education.

(2) It shall be the duty of the State to enforce this right in such manner as it may from time to time by law determine.”

3. Article 45 of the Constitution shall be omitted.

Omission of
article 45.

STATEMENT OF OBJECTS AND REASONS

As present, there is no law in the country to ensure compulsory education amongst the school going children. Article 45 of the Constitution, of course, enjoins upon the Government to provide for free and compulsory education for all children upto the age of fourteen years. But being a part of Directive Principles of State Policy, this article is not judicially enforceable in the Courts of Law. Of course, the Government both at the Centre and States have taken some steps to enforce the provisions of this article and encourage the schools and other primary institutions for increasing the mass literacy. However, in actual practice not much has been achieved and ignorance and illiteracy still continue to be the major problems of our society. The National Policy on Education, 1986 as modified in 1992 declares in unequivocal terms that free and compulsory education shall be provided to all children upto the age of fourteen years before we enter into twenty-first century. This has also remained just a paper declaration and it is time that we take up the matter with greater seriousness. In 1993, the Supreme Court in a far reaching judgement has held that children of this country must have fundamental right to free and compulsory education upto the age of fourteen years. In the context of this judgement, it is considered essential that educational rights of the citizens should be more appropriately included in the Part III of the Constitution which guarantees some basic fundamental rights to all the citizens of India.

Hence this Bill.

NEW DELHI;
November 21, 2000.

BASUDEB ACHARIA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for free and compulsory education upto age of fourteen years to every child. To implement the provisions of the Bill, some schools have to be opened and teachers have to be appointed in those schools. There will be some expenditure in respect of salaries and allowances of teachers, etc. As far as Union territories are concerned, the whole expenditure will be met by the Central Government. The State Governments will bear the expenditure from their respective Consolidated Funds in connection with the implementation of the provisions of the Bill although some financial assistance may be extended by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

It is estimated that an annual recurring expenditure of about rupees eight thousand crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees eight thousand crore is also likely to be involved.

BILL No. 205 OF 2000

A Bill to provide for assistance to political parties and their candidates by the Central Government for ensuring their effective functioning and for promoting sound democratic polity and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Political Parties (Assistance and Regulation) Act, 2000.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Commission" means the Election Commission of India constituted under article 324 of the Constitution;

(b) "political party" means an association or body of individual citizens of India recognized by the Commission as a political party in accordance with the provisions contained in the Representation of the People Act, 1951; and

(c) "prescribed" means prescribed by the rules made under this Act.

Constitution of
Election Fund.

3. (1) The Central Government shall constitute a fund to be known as "Election Fund" which shall have an initial capital of rupees one thousand crore.

(2) The Central Government and every State Government shall contribute such sum of money every year to the fund, as may be prescribed.

National
political
parties to be
entitled to
certain
facilities.

4. (a) Every political party at the national level which has been registered with the Election Commission shall be entitled to following facilities:—

(i) rent free accommodation for office use in the National Capital Territory of Delhi and in the capital city of every State with one rent free telephone in each place;

(ii) free electricity and water facilities in the accommodation upto such extent as may be prescribed.

(b) Every political party which has been recognized at the State level shall be entitled to following facilities—

(i) rent free accommodation in the capital city of the State concerned with one rent free telephone;

(ii) free electricity and water facilities in the accommodation upto such extent as may be prescribed.

Facilities to
political parties
during
elections.

5. During elections to the House of the People and Legislative Assembly of a State every political party shall be entitled to free air time on Doordarshan and All India Radio and also on private television channels for such time as may be prescribed.

Facilities to
candidates
during elec-
tions.

6. During elections to the House of the People and Legislative Assembly of a State every candidate set up by a recognised political party shall be entitled to following facilities during election campaign.

(i) such quantity of petrol and diesel as may be prescribed;

(ii) such quantity of paper for printing his election literature and the identity slips for distribution to voters.

Restriction on
political parties
during elec-
tions.

7. During the period of elections to the House of the People or Legislative Assembly of a State, no party or candidate shall—

(i) use loudspeakers during campaign;

(ii) campaign after 10.00 P.M. in the night;

(iii) paste posters or pamphlets or deface walls with election material; and

(iv) use more number of vehicles than allotted for campaign.

Political party
shall maintain
accounts.

8. (1) Every political party to which assistance has been granted under section 4 and 5 shall prepare and maintain proper accounts and other relevant records in such form and manner as may be prescribed.

(2) The accounts of a political party shall be audited by an auditor authorised to audit the accounts of a company under the Chartered Accountants Act, 1949.

38 of 1949.

(3) Every political party which has been granted assistance under section 4 and 5 shall submit to the Central Government, within three months from the date of such grant or such extended period, a certified copy of the audited accounts together with the audit report thereon.

(4) The Central Government shall prepare for every election a report on the assistance granted to the political parties.

(5) A copy of the report under sub-section (4) shall be laid before each House of Parliament.

9. (1) The Central Government may, in consultation with the Commission, by a notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the particulars required to be given in an application for grant of assistance to a political party;

(b) the factors to be taken into account in granting the assistance;

(c) the manner in which, and the conditions subject to which, assistance shall be granted to a political party;

(d) the preparation and maintenance of accounts and other records under section 8;

(e) any other matter which is required to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree that the rule should be either modified or annulled, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Parliamentary democracy envisaged in the Constitution of India can develop and succeed only when the political parties in the country function in an orderly manner and under public scrutiny.

Credibility of political parties in the eyes of people has considerably been eroded. Most of the political parties which are unable to bear the expenses of their candidates in the elections adopt unhealthy methods and seek assistance from bodies/organisations in the country and outside the country. It is also found that the political parties and individual candidates seek money from the big houses and multinationals. Such illegal practices encourage generation of black money and proliferation of small parties setting up their candidates thereby putting unnecessary burden on the public resources. The circulation of black money and influence of multi-nationals and big houses in the elections cause a great set back to the smooth functioning of the parliamentary democracy in the country. With a view to check these tendencies and to set a healthy practice, it will be necessary for the Government to bear the expenditure incurred or to be incurred by a political party on its candidates for undertaking campaigning in the elections to the Lok Sabha or State Assembly.

Certain facilities should be given to recognised political parties for their effective functioning and the facilities should be given in kind rather than in cash.

Certain regulations should also be imposed on political parties for orderly campaign during election period.

The Bill seeks to achieve these objectives.

NEW DELHI;
November 22, 2000

UTTAMRAO DHIKALE.

FINANCIAL MEMORANDUM

The Bill seeks to provide for assistance to political parties in respect of rent free accommodation, telephone to recognised political parties. It further provides for certain other facilities to recognised political parties and candidates set up by such parties. The Bill also seeks to constitute an Election Fund. It is difficult to estimate the precise financial implications at this stage. However, to begin with, a recurring expenditure of rupees five hundred crore per annum will be required. The expenditure will be made from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to frame rules in consultation with the Election Commission. The matters for which the rules may be framed are the particulars to be contained in an application of a political party for the grant of assistance, factors to be taken into account for determining the quantum of assistance to be granted to a political party, etc. The delegation of legislative power, therefore, is of a normal character.

BILL NO. 197 OF 2000

A Bill to provide for the constitution of a National Commission for senior citizens and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-first year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the National Commission for Senior Citizens Act, 2000.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means the State Government in relation to a State and the Central Government in all other cases;

(b) "Commission" means the National Commission for Senior Citizens constituted under section 3;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "senior citizen" means a person who has attained the age of sixty years or above.

CHAPTER II

NATIONAL COMMISSION FOR SENIOR CITIZENS

3. (1) The Central Government shall constitute a body to be known as the National Commission for Senior Citizens to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

Constitution of National Commission for Senior Citizens.

(2) The Commission shall consist of—

(a) a Chairman to be nominated by the Central Government from a panel of eminent persons who are committed to the cause of senior citizens;

(b) five members to be nominated by the Central Government from amongst the persons who are experts in the field of law or legislation (including legal bodies) or administration or economic development or health or education or social welfare.

(c) one member-Secretary to be nominated by the Central Government who shall be—

(i) an expert in the field of management, organisational structure or sociological movement; or

(ii) an officer who is a member of a civil service of the Union or of an all India service or holds a civil post under the Union with appropriate experience.

4. (1) The Chairman and every member shall hold office for a period not exceeding three years or as may be prescribed.

Tenure of office of Chairman and other members.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may terminate the services of the Chairman or a Member, as the case may be, at any time before the expiry of the term as specified under sub-section (1) by giving to the Chairman or the Member, notice of not less than three months in writing or three months salary and allowances in lieu of such notice:

Provided that the Chairperson or the Member, as the case may be, relinquish the office at any time before the expiry of the term specified under sub-section (1) by giving to the Central Government, notice of not less than three months in writing.

(3) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

(4) The salaries and allowances payable to, and the other terms and conditions of service of the Chairman and Members shall be such as may be prescribed.

5. (1) The Central Government shall provide the Commission with such number of officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

Officers and employees of the Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees of the Commission shall be such as may be prescribed.

6. No act or proceeding of the Commission shall be questioned or invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

Validity of the proceeding of the Commission.

Appointment
of Commit-
tees.

7. (1) The Commission may appoint such Committees as may be necessary, for dealing with such special issues as may be taken up by the Commission from time to time.

(2) The Commission shall have the power to co-opt as members of any Committee so appointed under sub-section (1), and the persons so co-opted shall have the right to attend the meetings of the Committee and take part in its proceedings but they shall not have the right to vote.

Meetings.

8. (1) The Commission or a Committee thereof shall meet as and when necessary at such time and place as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure and the procedure of the Committees thereof.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorised by the Member-Secretary in this behalf.

CHAPTER III

FUNCTIONS OF THE COMMISSION

Functions of
the Commis-
sion.

9. The Commission shall perform the following functions, namely:—

(1) (i) to study, investigate and review all matters relating to the safeguards provided for senior citizens under the different policies and schemes made by Central Government or a State Government; and

(ii) to recommend to the appropriate Government to take such steps as may be necessary for effective implementation of schemes and policies for senior citizens in order to improve their conditions;

(2) to look into complaints and take *suo motu* notice of matters relating to—

(i) deprivation of senior citizens' rights;

(ii) non-implementation of welfare schemes for senior citizens; and

(iii) non-compliance of policy decisions, guide-lines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to senior citizens and take up the issues arising out of such matters with appropriate authorities;

(3) to call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against senior citizens and identify such constraints and recommend strategies for their removal;

(4) to inspect or cause to be inspected a jail, remand home, institution or other place or custody, where senior citizens are kept as prisoners and take up with the concerned authorities for remedial action, if found necessary;

(5) to take up with appropriate authorities for providing old age pension, proper and adequate medical facilities to senior citizens;

(6) to recommend to appropriate authorities to set up senior citizens home in adequate number in each district of the country;

(7) to fund litigation involving issues affecting a large body of senior citizens;

(8) to make periodical reports to the Government on any matter pertaining to senior citizens; and

(9) to take up any other matter which may be referred to it by the Central Government.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

10. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Grants to Commission.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

11. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such forms as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Maintenance of accounts and other records.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General:

Provided that any person appointed by the Comptroller and Auditor-General in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(3) The accounts of the Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission.

12. The Commission shall prepare, in such form and at such time, as may be prescribed, for each financial year, its annual report giving a full account of its activities during the financial year and forward a copy thereof to the Central Government.

Commission to submit an annual report to Central Government.

13. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received, before each House of Parliament.

Central Government to lay report on action taken in the House.

CHAPTER V

MISCELLANEOUS

14. The Chairman, the Members, Officers and other employees of the Commission shall be deemed to be public servants within the meaning as prescribed in the Indian Penal Code.

Chairman Members and other staff to be public servants.

15. The Commission shall carry out such directions as may be issued to it from time to time by the Central Government for proper and efficient functioning of the Commission.

Directions by the Central Government.

16. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner of preparation of the panel of eminent persons under sub-section (2) of section 3;

(b) the salaries and allowances payable to, and the other terms and conditions of service of the Chairman and Members under sub-section (4) of section 4 and the officers and other employees under sub-section (2) of section 5;

(c) the allowances for attending the meetings of the Committee by the co-opted persons under sub-section (2) of section 7;

(d) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 11;

(e) the form in and the time at, which the annual report shall be prepared under section 12; and

(f) any other matter which is required to be or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which, may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The senior citizens have contributed their might for the development of the country to a great extent. However, they are ignored by their family, society and the Government. In majority of the cases, they have been left to fend for themselves. Various steps taken by the Government to ameliorate the sufferings of senior citizens have not been fruitful. Efforts of the Government are also supported by non-Governmental voluntary organisations. Nevertheless, their lot has not been improved. Welfare measures concerning senior citizens are not adequate and are not implemented properly. There is no uniform policy for the welfare of senior citizens.

Therefore, it is necessary that a comprehensive policy for the welfare of senior citizens is necessary. It is, therefore, proposed to set up a National Commission for the welfare of senior citizens.

NEW DELHI;
November 22, 2000.

UTTAMRAO DHIKALE.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a National Commission for Senior Citizens. Clauses 4 and 5 provide for salaries and allowances to be paid to the Chairman, Members, Officers and other staff of the Commission. Clause 9 provides for old age pension and proper medical facilities to senior citizens. Clause 10 provides for appropriation of money to be paid to the Commission by way of grants. Clause 11(2) provides for expenditure payable by the Commission to the Comptroller and Auditor-General for the auditing works.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At present, it is not possible to give the exact amount which will be incurred out of the Consolidated Fund of India to carry out the provisions of the Bill. However, a recurring expenditure of the amount of rupees one hundred crore per annum is likely to be involved out of the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 188 OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2000.

Short title.

2. In the Eighth Schedule to the Constitution,—

Amendment of
Eighth
Schedule.

(a) after the existing entry 2, the entry 3 'Dogri' shall be inserted; and

(b) the existing entries 3 to 18 shall be renumbered as entries 4 to 19 respectively.

STATEMENT OF OBJECTS AND REASONS

There has been a long standing demand of the people of Jammu and Kashmir for inclusion of Dogri language in the Eighth Schedule to the Constitution. Dogri language is spoken by one crore people residing in the State of Jammu and Kashmir and adjoining States of Himachal Pradesh and Punjab. Dogri is rich in art, literature and other forms of cultural heritage. It has its own distinct script known as "Takri" script. It is also written in Devnagari and Persian scripts. Sahitya Academy had recognised it as early as 1969. A number of writers have been given awards by the Sahitya Academy for their contribution to Dogri literature. It has been officially recognised in the State of Jammu and Kashmir. Dogri is taught in schools, colleges and Universities in Jammu and Kashmir. It deserves to be included in the Eighth Schedule.

Hence this Bill.

NEW DELHI;
November 22, 2000.

HANNAN MOLLAH.

BILL NO. 3 OF 2001

A bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2001.

Short title.

2. In article 75 of the Constitution, after clause (5), the following clause shall be inserted, namely:—

Amendment of article 75.

“(5A) A person shall be disqualified for being chosen as, and for being, a Minister if he is charged by a competent court with any criminal offence under any law, the conviction on which charge disqualifies a person from being a member of either House of Parliament under article 102”.

3. In article 164 of the Constitution, after clause (4), the following clause shall be inserted, namely:—

Amendment of article 164.

“(4A) A person shall be disqualified for being chosen as, and for being a Minister if he is charged by a competent court with any criminal offence under any law, the conviction on which charge disqualifies a person from being a member of the Legislative Assembly or Legislative Council of a State under article 191.”.

Amendment of article 239A 4. In article 239A of the Constitution, after clause (1), the following proviso shall be inserted, namely —

“Provided that a person shall be disqualified from being chosen as, and for being, a Minister if he is charged by a competent court with any criminal offence under any law, the conviction on which charge disqualifies a person from being a member of the Legislature for the Union territory of Pondicherry ”.

Amendment of article 239AA 5. In article 239AA of the Constitution, after clause (5), the following proviso shall be inserted, namely —

“Provided that a person shall be disqualified from being chosen as, and for being, a Minister if he is charged by a competent court with any criminal offence under any law, the conviction on which charge disqualifies a person from being a member of the Legislative Assembly for the National Capital territory of Delhi ”

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Constitution of India to provide that a person shall be disqualified for being chosen as, and for being a Minister if he is charged by a competent court with any criminal offence under any law, the conviction on which charge has the effect of disqualifying a person from being a member of either House of Parliament or State Legislature.

The Representation of the People Act, 1951, lays down a number of disqualifications for being chosen as, or for being a member of Parliament or a State Legislature. For example, among several sections, section 8 of the said Act provides for such disqualification if a person is convicted of an offence punishable under section 153A (offence of promotion of enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony) or section 171E (offence of bribery), etc. of the Indian Penal Code (45 of 1860). The provision of this proposed Bill has the effect of laying down that if a competent court frames a charge against a person stating any such criminal offence, the person concerned shall stand disqualified for being a Minister. This is necessary to uphold the prestige and the credibility of the Council of Ministers and to respect ethical and moral values.

NEW DELHI;
December 22, 2000.

G. M. BANATWALLA.

BILL No. 40 OF 2001

A bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2001.

Amendment
of First
Schedule

2. In the First Schedule to the Constitution,—

(i) the existing entries 3 to 13 shall be renumbered as entries 4 to 14 respectively, and before entry 4 as so renumbered, the following entry shall be inserted, namely:—

“3. Bangla the territories which immediately before the commencement of this Constitution were either comprised in the Province of West Bengal or were being administered as if they formed part of that Province and the territory of Chandernagore as defined in clause (c) of section 2 of the Chandernagore (Merger) Act, 1954 and also the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956”.

(ii) the existing entry 14 relating to “West Bengal” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The existing nomenclature "West Bengal" has its origin in the partition of the erstwhile Indian Province of Bengal into West Bengal remaining with India and East Bengal (forming part of Pakistan then known as East Pakistan and now Bangladesh) in 1947. Similarly Punjab was also divided into West Punjab merging with Pakistan and East Punjab remaining with India. Since then while "East Punjab" had shaken off the adjective "East" in mid-sixties and became "Punjab", the adjective "West" continues to be prefaced with Bengal despite the persistent public demand to the contrary. The West Bengal Legislative Assembly had also passed a resolution in consonance with the public demand to drop this adjective "West" and had forwarded it to the Central Government but of no avail.

Whatever might have been the compulsion earlier for retaining the word "West" with Bengal, there is no justification for continuing this partition legacy at this point of time in the new millennium.

Hence this Bill

NEW DELHI;

HANNAN MOLLAH.

January 10, 2001.

BILL No. 8 of 2001

A bill further to amend the Constitution of India

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2001.

Amendment of
article 80.

2. In article 80 of the Constitution, for clause (4), the following clause shall be substituted, namely:—

“(4) The representatives of each State in the Council of States shall be elected in the following manner, namely:—

(a) each party shall nominate its representatives according to its numerical strength in the Legislative Assembly concerned in proportion to total number of seats allocated to that State in the Council of States;

(b) if, after nomination is made in accordance with the clause (a) in respect of that State, any seat remains unfilled, the representative to fill the unfilled seat shall be elected by the elected members of the Legislative Assembly of the State in accordance with the system of proportional representation by means of single transferable vote.”.

STATEMENT OF OBJECTS AND REASONS

In recent times we have witnessed a growing and alarming trend of 'Money Power', playing a decisive role in the elections to Rajya Sabha. Although we term it as an 'Election', in fact each party, "Selects", its representatives in the Rajya Sabha, based on its numerical strength in their respective Legislative Assemblies.

Due to money power, often the official candidate of the party is either defeated or not elected in the first or second round. Thus a person who has no allegiance to a party's political philosophy gets elected to Rajya Sabha. This is detrimental to the interests of a political party and its strength and its political ideology in the Rajya Sabha.

With a view to curb this trend, it is proposed that—

(a) based on its numerical strength in the Legislative Assembly, a party should be entitled to 'nominate' its representatives in Rajya Sabha;

(b) if, after each party has nominated its representatives, any seat remains unfilled, election may be held to elect the representatives to fill the seats based on party's direction on voting. This will prevent cross voting and ensure election of the desired candidate.

This amendments are required urgently in view of forthcoming election to the Council of States.

Hence this Bill.

NEW DELHI;
February 8, 2001.

ANANT GANGARAM GEETE.

BILL NO. 7 OF 2001

A Bill to provide for payment of pension and provision of other facilities to old persons.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Senior Citizens (Welfare) Act, 2001.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Establishment
of Central
Board for
Senior Citizens
Welfare.

2. (1) There shall be established by the Central Government a Board to be known as the “Central Board for Senior Citizens’ Welfare”, hereinafter called the “Central Board”.

(2) The Central Board shall consist of the following persons, namely:—

(a) the Secretary, Ministry of Social Justice and Empowerment, Government of India, who shall act as its Chairman;

(b) one representative from each of the State and Union territory Boards established under section 3;

(c) one member from each of the State and Union territory Governments; and

(d) two members from amongst those persons who are engaged in active social work.

3. (1) There shall be established by every State Government and Union territory administration a Board to be known as the "State Board for Senior Citizens Welfare" or the Union territory Board for Senior Citizens Welfare, as the case may be, hereinafter called the "State Board" or the "Union territory Board" to aid the Central Board in implementing the provisions of this Act.

Establishment of State Board for Senior Citizens Welfare.

(2) The State Board or the Union territory Board shall consist of a Chairman and such number of members, as may be determined by the respective State Government or the Union territory administration, as the case may be.

4. Every State Board and Union territory Board shall formulate plans for helping out the old persons registered under sub-section (1) of section 9.

Formulation of plans to help old persons.

5. It shall be the duty of every person to take care of his parents and grand parents, who do not have any sources of income or sustenance.

Duty of every person to take care of his parents, grand parents.

6. If any person fails to comply with the provisions of section 5, he shall be punished with a fine of rupees ten thousand and term of imprisonment for five years.

Punishment for non-compliances of provisions of Act.

7. Every State Government or Union territory administration, as the case may be, in their respective jurisdiction, shall provide the following to a person who is registered under sub-section (1) of section 9,—

Facilities to persons registered under this Act.

(a) an amount not exceeding rupees two thousand per month as pension;

(b) free medical aid in Government hospitals and other hospitals aided by the Government;

(c) residential accommodation free of cost:

Provided that the infirm persons from amongst the registered shall be kept in old persons homes to be established by the Central Board.

8. (1) There shall be established in every district by the respective State or Union territory Board, a Committee to be known as the "District Committee for Senior Citizens Welfare", hereinafter called the "Committee".

Establishment of District Committee for Senior Citizens Welfare.

(2) The Committee shall consist of a President and such number of other members, as may be determined by the State or Union territory Board, as the case may be.

(3) The District Committees shall work under the control of the respective State or Union territory Board.

9. (1) It shall be the duty of every Committee to register all persons who have attained the age of fifty-five years and are unable to work and have no means to support themselves.

Duty of Committee to register all persons.

(2) The Committee shall give wide publicity through radio network, newspapers, etc. for registering the senior citizens.

(3) The Committee shall forward the list of the registered persons to the State Board or the Union territory Board, as the case may be.

Constitution of Senior Citizens Welfare Fund.

10. (1) There shall be constituted by the Central Government a fund to be known as the "Senior Citizens Welfare Fund" to carry out the purposes of this Act.

(2) The fund shall consist of the sums paid into it by the Central Government and grants or donations received from international agencies.

Expenses incurred on Pension and facilities to be met out of Fund Constituted for this purpose

11. The expenses incurred on providing the senior citizens with pension and other facilities mentioned under section 7 shall be met out of the fund constituted under section 10.

State and Union territory Board shall work under guidance and control of Central Board.

12. Every State and Union territory Board shall work under the guidance and control of the Central Board.

Power to make rules.

13. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In our country, there are millions of old persons who are unable to take care of themselves or do not have sufficient means to lead a happy life. These people, with no support from any source, live in hunger and are left uncared for. Although, many social organisations have made arrangements for taking care of old and sick persons, it is not sufficient as the majority of the aged are still left to fend for themselves. The forefathers of our Constitution envisaged this aspect and a provision was made in the Directive Principles of State Policy that the Government shall make effective provisions to give assistance in cases of old age, sickness and disablement and in other cases of undeserved want. Our country being a welfare State, it should provide security to persons in their old age.

The Bill seeks to give impetus to the new social order and to give social security to the old and sick, provide them with pension, medical and residential facilities.

NEW DELHI;
February 8, 2001

CHANDRAKANT KHAIRE.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of a Central Board for old persons welfare. Clause 3 provides for the establishment of State Boards and Union territory Boards for old persons welfare. Clause 7 provides for the payment of pension of rupees two thousand five hundred per month, free medical aid, free residential accommodation to persons who have attained the age of fifty-five years and are unable to work and have no means to support themselves and also for the establishment of old persons homes for old infirm persons. Clause 8 provides for the establishment of committees for old persons welfare in every district of the country. Clause 9 provides that the Committee shall give wide publicity through radio net-work, newspapers, etc. for registering the old persons. Clause 10 provides for the constitution of old persons welfare fund by the Central Government. As far as expenditure on State Boards is concerned, it will be met from the consolidated fund of the respective states. But, expenditure to be incurred on Union territory Boards and expenses relating to payment of pension, etc. to old persons, shall be met from the Consolidated Fund of India. The Bill, therefore, if enacted, is likely to involve an estimated annual recurring expenditure of about rupees fifty crores from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation on legislative power is of a normal character.

BILL NO. 11 OF 2001

A Bill to provide for the development, storage and sales of fruits and vegetables and their products.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Fruit and Vegetable Board Act, 2001.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and for different States or different parts thereof.

Short title,
extent and
commence-
ment.

Declaration as to expediency of control by the Union.

Definitions.

2. It is taken under i

ared that it is expedient in the public interest that the Union should : fruit and vegetable industry.

3. In t..... ss the context otherwise requires,—

- (a) "Board" means the Fruit and Vegetable Board established under section 4;
- (b) "dealer" means a dealer in fruits and vegetables;
- (c) "Executive Director" means the Executive Director appointed under 6;
- (d) "export" and "import" mean, respectively, taking out of and bringing into land, sea and air;
- (e) "Government" means the Central Government;
- (f) "member" means member of the Board and includes the Chairman;
- (g) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

ESTABLISHMENT OF FRUIT AND VEGETABLE BOARD

Establishment and constitution of Fruit and Vegetable Board.

4. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a Board to be called the Fruit and Vegetable Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The head office of the Board shall be at New Delhi and the Board may, with the previous approval of the Government, establish offices or agencies at other places in or outside India.

(4) The Board shall consist of the following members, namely:—

(a) a Chairman to be appointed from amongst the fruit and vegetable growers by the Government;

(b) three members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States;

(c) five members to be appointed by the Government to represent respectively:—

- (i) the Ministry of the Central Government dealing with agriculture;
- (ii) the Ministry of the Central Government dealing with commerce;
- (iii) the Ministry of the Central Government dealing with finance;
- (iv) the Ministry of the Central Government dealing with industrial development;
- (v) the Indian Council of Agricultural Research;

(d) four members to be appointed by the Government from amongst the growers of fruits;

(e) four members to be appointed by the Government from amongst the growers of vegetables;

(f) two members to be appointed by the Government from amongst the dealers and exporters of fruits and vegetables.

(5) The Board shall elect, from amongst its members, a Vice-Chairman who shall exercise such of the powers and perform such of the functions of the Chairman as may be prescribed and as may be delegated to him by the Chairman.

(6) The term of office of the members and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed.

(7) The Executive Director and any such officer of the Government (not being a member of the Board), as is deputed by the Government in this behalf, shall have the right to attend the meetings of the Board and take part in the proceedings thereof but shall not have the right to vote.

(8) The Board may associate with itself in such manner and for such purposes, as may be prescribed, any persons whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Board relevant to the purposes for which he has been associated, but shall not have the right to vote.

5. The Chairman shall be entitled to such salary and allowance and such conditions of service as may, from time to time, be determined by the Government.

Salary and allowances and other conditions of service of Chairman.

6. (1) The Government shall appoint an Executive Director to exercise such powers and perform such duties under the Chairman as may be prescribed or as may be delegated to him by the Chairman.

Appointment of Executive Director, etc.

(2) The Government shall appoint a Secretary to the Board to exercise such powers and perform such duties under the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(3) The Executive Director and the Secretary shall be entitled to such salaries and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may from time to time be determined by the Government.

(4) Subject to such control, restrictions and conditions as may be prescribed, the Board may appoint such other officers and employees as may be necessary for the efficient performance of its functions.

(5) The Chairman, the Executive Director, the Secretary and other officers and employees of the Board shall not undertake any work unconnected with their duties under this Act except with the permission of Government.

7. (1) The Board may appoint such committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act.

Committees of the Board.

(2) The Board shall have the power to co-opt as members of any committee appointed under sub-section (1) such number of persons who are not members of the Board as it may think fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in the proceedings of the committee but shall not have the right to vote.

8. (1) It shall be the duty of the Board to promote by such measures as it thinks fit, the development, storage and marketing of fruit and vegetables and the fruit and vegetable products industry.

Functions of the Board.

(2) Without prejudice to the generality of the provisions of sub-section (1), the measures referred to therein may provide for—

(a) formulating policies for overall development and improvement of production, quality, storage and marketing of fruits and vegetables;

- (b) fixing annual production targets of fruits and vegetables;
- (c) review of measures for attaining production targets, viz., supply of inputs like fertilizer, water supply, plant protection, measures, credit facilities, etc.;
- (d) fixing import quotas for improved seeds;
- (e) advising the Government on extension of cold storage facilities;
- (f) review of the price trends of table and seed fruits and vegetables;
- (g) development of fruit and vegetable products industries;
- (h) review of the cost of production of fruits and vegetables and the prices received by the fruit and vegetable growers and to advise Government on the need for price support and other measures to ensure fair prices to the growers;
- (i) regulation, control and promotion of the export, of fruits and vegetables and fruit and vegetable products and review of the grading of fruits and vegetables;
- (j) collection and maintenance of statistics on any matter relating to fruits and vegetables and fruit industries;
- (k) performing such other functions as the Government may from time to time direct.

Dissolution of
the Board.

9. (1) The Government may, by notification in the Official Gazette and for reasons to be specified therein, direct that the Board shall be dissolved from such date and for such period as may be specified in the notification:

Provided that before issuing any such notification the Government shall give a reasonable opportunity to the Board to make representation against the proposed dissolution and shall consider the representations, if any, of the Board.

(2) When the Board is dissolved under the provisions of sub-section (1),—

(a) all powers and duties of the Board shall during the period of dissolution be exercised and performed by such person or persons as the Government may appoint in this behalf;

(b) all funds and other properties vested in the Board shall during the period of dissolution, vest in the Government; and

(c) as soon as the period of dissolution expires, the Board shall be reconstituted in accordance with the provisions of this Act.

Power to
make rules.

10. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the powers and functions of the Vice-Chairman of the Board;

(b) the term of office and other conditions of service of the members, the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by the members;

(c) the holding of minimum number of meetings of the Board every year;

(d) the circumstances in which and the authority by which a member may be removed;

(e) the power which may be exercised and the duties which shall be performed by the Executive Director and the Secretary;

(f) the procedure to be followed at the meetings of the Board for the conduct of business and the number of members which shall form the quorum at a meeting;

(g) the maintenance of records of business transacted by the Board and the submission of copies thereof to the Central Government,

(h) the power of the Board, its Chairman, the Executive Director and committees of the Board with respect to the incurring of expenditure;

(i) the condition subject to which the Board may incur expenditure outside India;

(j) the preparation of budget estimates of receipts and expenditure of the Board and the authority by which the estimates are to be sanctioned,

(k) the form and the manner in which the accounts should be maintained by the Board,

(l) the deposit of the funds of the Board in Banks and the investment of funds,

(m) the conditions to be observed by the Board in borrowing the money,

(n) the collection of any information or statistics in respect of fruits and vegetables,

(o) any other matter which has to be, or may be, prescribed by or provided for by rules under this Act

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

11. (1) The Board may make regulations not inconsistent with this Act and the rules made thereunder for enabling it to discharge its functions under this Act

Power to
make
regulations.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely —

(a) the procedure to be followed at the meetings of the committees appointed by the Board and the number of members which shall form a quorum at a meeting;

(b) the delegation to the Chairman, members, Executive Director, Secretary or other officers of the Board, or any of the powers and duties of the Board under this Act,

(c) the travelling and other allowances, leave and other conditions of service of officers (other than those appointed by the Government) and other employees of the Board,

(d) the maintenance of the accounts of the Board,

(e) the maintenance of the registers and other records of the Board and its various committees,

(f) the appointment by the Board of agents to discharge, on its behalf, any of its functions,

(g) the persons by whom, and the manner in which, payments, deposits and investments may be made on behalf of the Board.

(3) No regulation made by the Board shall have effect until it has been approved by the Government and published in the Official Gazette, and the Government, in approving a regulation, may make any change therein which appears to it to be necessary.

(4) The Government may, by notification in the Official Gazette, cancel any regulation which has been approved and thereupon, the regulation shall cease to have effect.

STATEMENT OF OBJECTS AND REASONS

The fruits and vegetables are grown in the country on an extensive scale. With the establishment of Horticulture, Directorates in the States and the encouragement given to horticulture, the production of fruits and vegetables is growing day by day. Now there are no storage or good transport facilities for these commodities. The export and import policies are not well defined for these things.

At present there is a great possibility of exporting fruits and vegetables and the products prepared with fruits and vegetables. Therefore, to encourage production, storage and export of fruits and vegetables and their products, it is expedient that the Union Government takes under its control the development of fruits and vegetables and the fruit and vegetable products industry.

Hence the Bill.

NEW DELHI;
February 8, 2001

CHANDRAKANT KHAIRE.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the Fruit and Vegetable Board. Clause 5 provides for payment of such salary and allowances to the Chairman of the Board as may be determined by the Government. Clause 6(3) provides for payment of salaries and allowances to the Executive Director and the Secretary to the Board. Clause 6(4) provides for appointment of such other officers and employees as may be necessary for efficient performance of the functions of the Board. Clause 7 provides for appointment of committees and co-option of such persons as members thereon who are not members of the Board. Such members, of the committees will also have to be paid travelling and other allowances for attending the meetings of the committees. Under clause 8, the Board will take such measures as it thinks fit to promote the development and improvement of production, storage and marketing of fruits and vegetables and the fruits & vegetable products industry. An annual recurring expenditure of about rupees five crore is, therefore, likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crore is also likely to be incurred in carrying out the purposes of the Bill

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Clause 11 empowers the Fruit and Vegetable Board to make regulations, with the previous approval of the Central Government and by notification in the Official Gazette, not inconsistent with the provisions of the Bill and the rules that may be made thereunder.

The matters in respect of which rules or regulations may be made pertain to procedure or administrative detail and as such the delegation of legislative power is of a normal character.

BILL NO. 9 OF 2001

A Bill to provide for prohibition on religious conversions.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows :—

1. (1) This Act may be called Prohibition on Religious Conversion Act, 2001.

Short title and extent.

(2) It extends to the whole of India.

2. No person or institution shall encourage or cause to encourage any person or group of persons to convert religion by way of inducement in any form or force.

Prohibition on religious conversion.

*Explanation:—*For the purposes of this section, "inducement means and includes giving or offering or promising to give cash, imparting free education, giving employment, shelter, food and clothes free of cost.

3. This Act shall not apply to a person who voluntarily converts to another religion or reconverts to his original religion.

Act not to apply in case of voluntary conversion.

4. If any person violates the provisions of this Act, he shall be punished with rigorous imprisonment of a term not less than ten years and a fine not less than rupees one lakh.

Punishment for violation of provisions of Act.

5. If any institution or organisation violates the provisions of this Act, the person in charge of the affairs of the organisation or institution, as the case may be, shall be subject to punishment as provided under section 4 and the registration of the organisation or institution under any law for the time being in force shall be cancelled forthwith.

Punishment for violation of provisions of Act by an institution or organisation.

Certain
institutions
and organisa-
tions not
allowed to
accept any
donation or
contribution.

6. Notwithstanding anything contained in any other law for the time being in force, no person or organisation violating the provisions of this Act shall be allowed to accept any donation or contribution of any kind from within the country or abroad.

Power to make
rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Religious conversion is the order of the day. Inducement of all types is offered and sometimes promise to offer certain things is given. Certain organisations indulge themselves in encouraging conversion through all ways and means and money received from abroad and within the country is put to use for these purposes.

In many parts of the country, it has been witnessed that conversion has been taking place through force. Forced or induced conversion should be stopped. It is, therefore, proposed to prohibit conversion through force or inducement. However, a provision is made for enabling voluntary conversion.

The Bill seeks to achieve the above objective.

NEW DELHI;

ANANT GANGARAM GEETE

February 9, 2001.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The delegation of legislative power is of a normal character.

BILL NO. 43 OF 2001

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

- | | |
|--|---|
| Short title. | 1. This Act may be called the Constitution (Amendment) Act, 2001. |
| Amendment of article 103. | 2. In Clause (1) of article 103 of the Constitution, the words, brackets and figure "clause (1) of" shall be omitted. |
| Amendment of article 192. | 3. In Clause (1) of article 192 of the Constitution, the words, brackets and figure "clause (1) of" shall be omitted. |
| Substitution of new schedule for Tenth Schedule to the Constitution. | 4. For the Tenth Schedule to the Constitution, the following Schedule shall be substituted, namely:— |

"TENTH SCHEDULE

[Articles 102 (2) and 191 (2)]

Provisions as to disqualification on ground of defection

1. *Interpretation.*—In this Schedule, unless the context otherwise requires,—

(a) "House" means either House of Parliament or the Legislative Assembly or, as the case may be, either House of the Legislature of State;

(b) "Legislature party" in relation to a member of a House belonging to any political party in accordance with the provisions of paragraph 2 means the group consisting of all the members of that House for the time being belonging to that political party.

(c) "political party" in relation to a member of a House, means the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2;

(d) "paragraph" means a paragraph of this Schedule.

2. *Disqualification on ground of defection.*—

(1) A member of a House belonging to any political party shall be disqualified for being a member of the House—

(a) if he has voluntarily given up his membership of such political party;
or

(b) if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority, and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

Explanation.—For the purposes of this sub-paragraph,—

(a) an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member;

(b) a nominated member of a House shall,—

(i) where he is a member of any political party on the date of his nomination as such member, be deemed to belong to such political party;

(ii) in any other case, be deemed to belong to the political party of which he first becomes a member before the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99, or as the case may be, article 188.

(2) An elected member of a House who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the House if he joins any political party after such election.

(3) A nominated member of a House shall be disqualified for being a member of the house if he joins any political party after complying with the requirements of article 99 or, as the case may be, article 188.

3. *Exemption.*—Notwithstanding anything contained in this Schedule, a person who has been elected to the office of the Speaker or the Deputy Speaker of the House of the People or the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State or the Speaker or the Deputy Speaker of the Legislative Assembly of a State, shall not be disqualified under this Schedule,—

(a) if he, by reason of his election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not, so long as he continues to hold such office thereafter, rejoin that political party or become a member of another political party; or

(b) if he, having given up by reason of his election to such office his membership of the political party of which he belonged immediately before such election, rejoins such political party after he ceases to hold such office.

4. *Rules.*— (1) Subject to the provisions of sub-paragraph (2) of this paragraph, the Chairman or the Speaker of a House may make rules for giving effect to the provisions of this Schedule, and in particular, and without prejudice to the generality of the foregoing, such rules may provide for—

(a) the maintenance of registers or other records as to the political parties, if any, to which different members of the House belong;

(b) the report which the leader of a legislature party in relation to a member of a House shall furnish with regard to any condonation of the nature referred to in clause (b) of sub-paragraph (1) of paragraph 2 in respect of such member, the time within which and the authority to whom such report shall be furnished;

(c) the reports which a political party shall furnish with regard to admission to such political party of any member of the House and the officer of the House to whom such reports shall be furnished; and

(2) The Chairman or the Speaker of a House may, without prejudice to the provisions of article 105 or, as the case may be, article 194, and to any other power which he may have under this Constitution direct that any willful contravention by any person of the rules made under this paragraph may be dealt with in the same manner as a breach of privilege of the House."

STATEMENT OF OBJECTS AND REASONS

The Tenth Schedule to the Constitution, commonly known as anti-defection law, was added in early 1985 to combat the malaise of political defection. However, working of the law during the last fifteen years has shown that the concepts of 'split' in, and 'merger' of, a political party in the House have provided escape routes for defection by giving them a constitutional legitimacy. The number of incidence of political defections in State legislatures and Parliament has been quite large and frequent with the result that governments in several cases with the positive mandate of the electorate have fallen and the parties without such express mandate have run the governments with the help of defectors. Again constantly lurking threats of defection inhibit political parties to take specific decisions on issues of public importance and very often intending defectors are illegitimately placated at the cost of the public.

Hence it is felt that elimination of these two concepts of "split" and "merger" from the anti-defection law will go a long way in combating the malaise of political defections and thereby introducing some kind of probity in the functioning of the parliamentary system. If some elected representatives do not agree with the policies and programmes adopted by their parties, they should resign from membership and seek fresh mandate from their constituents.

Again the power to decide questions as to disqualification on ground of defection should be vested, as in other cases of disqualification under articles 103 and 192 of the Constitution, in the President to be exercised with the advice of the Election Commission of India. These steps will inject stability in the democratic system of governance of the Country. The Bill seeks to achieve this objective.

NEW DELHI;
February 19, 2001

HANNAN MOLLAH.

Bill No. 31 of 2001

A Bill further to amend the Constitution (Scheduled Castes) (Union Territories) Order, 1951.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

- Short title and commencement. 1. (1) This Act may be called the Constitution (Scheduled Castes) (Union Territories) Order (Amendment) Act, 2001.
- (2) It shall come into force immediately.
- Amendment of the Schedule. 2. In the Schedule to the Constitution (Scheduled Caste) (Union Territories) Order, 1951, in Part II-Chandigarh for entry 9, the following entry shall be substituted:
- “9. Chamar, Jatia, Chamar, Rehgar, Raigar, Ramdasi, Ramdasia, Ravidasi, Ravidasia.”

STATEMENT OF OBJECTS AND REASONS

The Constitution (Scheduled Castes) (Union Territories) Order, 1951 (Schedule Part II-Chandigarh) includes at Serial No. 9 the entry, "Ramdasi" and "Ravidasi". For all purposes, so far these two nomenclatures have been treated as synonymous with the terms "Ramdasia" and "Ravidasia" respectively. It is well known and universally accepted that no two different castes known as "Ramdasi" and "Ramdasia" exist. Similarly, "Ravidasi" and "Ravidasia" have always denoted the same caste. In fact in the State of Punjab and Chandigarh these castes are popularly called as "Ramdasia" and "Ravidasia" respectively.

A difficulty has arisen now in view of a High Court Judgement that for the purposes of interpretation of the entries in the Constitution (Scheduled Caste) Order, 1950, relating to Punjab the Courts have to go strictly by the wording of the entry. This is likely to deprive the members of Ramdasia and Ravidasia community living in Chandigarh also of the benefit of reservation for Scheduled Castes despite the fact that they traditionally belong to the Scheduled Castes. This will run counter to the avowed policy of the Government only because of a technical or even typographical error in the Order.

This Bill seeks to include Ramdasia and Ravidasia in entry 9 of Part II-Chandigarh of the Schedule of the constitution (Scheduled Castes) (Union Territories) Order, 1951.

NEW DELHI;

PAWAN KUMAR BANSAL.

February 27, 2001.

BILL No. 28 OF 2001

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

- | | |
|---------------------------------------|---|
| Short title and
commence-
ment. | 1. (1) This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2001.

(2) It shall come into force immediately. |
| Amendment of
the Schedule. | 2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in Part XIV—
Punjab, for entry 9, the following entry shall be substituted:—

"9. Chamar, Jatia Chamar, Rehgar, Raigar, Ramdasi, Ramdasia, Ravidasi,
Ravidasia." |

STATEMENT OF OBJECTS AND REASONS

The Constitution (Scheduled Castes) Order, 1950 (Schedule Part XIV—Punjab) includes at Serial No. 9 the entry, "Ramdasi" and "Ravidasi". For all purposes, so far these two nomenclatures have been treated as synonymous with the terms "Ramdasia" and "Ravidasia" respectively. It is well known and universally accepted that no two different castes known as "Ramdasi" and "Ramdasia" exist. Similarly, "Ravidasi" and "Ravidasia" have always denoted the same caste. In fact in the State of Punjab and Chandigarh these castes are popularly called as "Ramdasia" and "Ravidasia" respectively.

A difficulty has arisen now in view of a High Court Judgement that for the purposes of interpretation of the entries in the Constitution (Scheduled Castes) Order, 1950, the Courts have to go strictly by the wording of the entry. This is likely to deprive the members of Ramdasia and Ravidasia community living in Punjab also of the benefit of reservation for Scheduled Castes despite the fact that they traditionally belong to the Scheduled Castes. This will run counter to the avowed policy of the Government only because of a technical or even typographical error in the Order.

This Bill seeks to include Ramdasia and Ravidasia in entry 9 of Part XIV—Punjab of the Schedule to the Constitution (Scheduled Castes) Order, 1950.

NEW DELHI;
February 27, 2001.

PAWAN KUMAR BANSAL.

BILL No. 32 OF 2001

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2001.

Amendment of
article 115.

2. In article 115 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—

“Provided that the demand for such excess amount shall be presented to the House of the People within a reasonable period of time after the money is spent.”

Amendment of
article 205.

3. In article 205 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—

“Provided that the demand for such excess amount shall be presented to the Legislative Assembly of the State within a reasonable period of time after the money is spent.”

STATEMENT OF OBJECTS AND REASONS

Financial accountability of the executive is the corner stone of the Parliamentary System of Government. Every rupee spent by the Government out of the Consolidated Fund has to be accounted for. The Legislature's approval is required to lend legitimacy to such expenditure.

The President/the Governor is enjoined to cause to lay the demand for excess expenditure before the House of the People/Legislative Assembly for *ex-post facto* approval. However, no time limit for the presentation of demand for such excess amount has been specified in the Constitution. In the absence of a time limit, the laying of statement regarding excess expenditure might be delayed indefinitely. Consequently, the examination of excess expenditure by the Committee on Public Accounts of the Parliament/the State Legislatures is also delayed which unables timely scrutiny of excess expenditure by the Parliament/State Legislatures. This problem is experienced more in the States. This is not a desirable state of affairs. Therefore, it is necessary to provide for some guidance to the Government in this regard.

Hence this Bill.

NEW DELHI;
March 8, 2001.

RAMESH CHENNITHALA.

BILL No. 58 OF 2001

A Bill to amend the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 2001.

Amendment of the Schedule. 2. In the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994, in Part II of the Schedule,—

(a) in section 5,—

(i) in sub-section (2), in the proviso, for the word “twenty”, the words “thirty and more than fifty” shall be substituted; and

(ii) sub-section (5) shall be omitted;

(b) after section 71C, the following section shall be inserted, namely:—

“71D. (1) Notwithstanding anything contained in sections 71, 71A and 71B, any officer or employee who is or has been transferred to the Corporation

from any department of Chandigarh Union territory Administration shall be deemed to be and to have always been on deputation with the Corporation.

(2) Such Officers and employees on 'deemed deputation' with the Corporation shall continue to be governed by the terms and conditions of service which were applicable to them before their transfer or would have been applicable if they had continued to work with the Administration but shall not be entitled to any deputation allowance."

STATEMENT OF OBJECTS AND REASONS

The Punjab Municipal Corporation Act as extended to Chandigarh does not provide for the protection of the status of officers and employees transferred to the Corporation from Chandigarh Union territory Administration. Today such employees find themselves in a disadvantageous position *vis-a-vis* their colleagues with whom they had worked as equals before their transfer to the Corporation. It is imperative to undo any injustice that may have crept in as a result of this and to assure them that they would continue to be governed by the terms and conditions applicable to similar officers and employees of the Chandigarh Union territory Administration.

Another point thrown up by the working of the Chandigarh Municipal Corporation is that the present number of twenty wards is insufficient for an urban population of over 8 lakhs. To strengthen grass-root level democracy and ensure greater interface between the people and their representatives for a vibrant and responsive local self Government, it is felt that one Municipal ward should not exceed a population of thirty thousands. The five villages included within the Corporation area also yearn for their separate representatives to espouse their cause. Accordingly, it is felt that the number of elected Councillors should be at least thirty.

Thirdly, a mistake crept in while the Punjab Municipal Corporation Act was being extended to Chandigarh. Though Chandigarh Union territory has no Legislative Assembly, the provision conferring associate membership of the Municipal Corporation on every Member of Punjab Legislative Assembly "representing the Constituency in which the city or any part thereof is situate" was inadvertently retained in the Act as made applicable to Chandigarh. This is redundant provision and needs to be omitted.

The Bill seeks to achieve the above objective.

NEW DELHI;
June 22, 2001.

PAWAN KUMAR BANSAL.

BILL No. 50 OF 2001

A Bill further to amend the Consumer Protection Act, 1986.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. This Act may be called the Consumer Protection (Amendment) Act, 2001.

Short title.

68 of 1986

2. In section 2 of the Consumer Protection Act, 1986, in sub-section (1), in clause (g), for the word “manufacturer”, the words “manufacturer or wholesaler” shall be substituted.

Amendment
of section 2.

STATEMENT OF OBJECTS AND REASONS

The Consumer Protection Act was enacted in 1986 to provide for the better protection of the interests of the consumers. Experience has shown that this law has brought out a general awareness among the consumers about their rights and protection available to them. However, it has been seen that people who are really responsible for violating the provisions of the Act manage to escape and innocent persons get punished. The intention of the law makers is to provide protection to the consumers and bring to book those who are responsible for violation of the Act. However, in certain cases, the wholesaler also violates the law but he escapes from punishment since he is not covered under the law. Therefore, in such circumstances the wholesaler is equally, if not more, responsible to the consumers. It is, therefore, proposed to amend the Consumer Protection Act with a view to bringing within its ambit the wholesaler also.

Hence this Bill.

NEW DELHI;
June 25, 2001.

RAMESH CHENNITHALA.

BILL NO. 49 OF 2001

A bill to amend the Juvenile Justice Act, 1986.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Juvenile Justice (Amendment) Act, 2001.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

53 of 1986.

2. In section 53 of the Juvenile Justice Act, 1986,—

Amendment of
section 53.

(i) in sub-section (2), for the word "experts", the words "experts, experienced social workers" shall be substituted.

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) The term of the members of the Advisory Board shall be not less than seven years."

STATEMENT OF OBJECTS AND REASONS

The Juvenile Justice Act was enacted in 1986 to provide for the care, protection, rehabilitation etc. of neglected as well as delinquent Juveniles. This Act provides for the setting up of an Advisory Board to advise the State Government on matters relating to the establishment and maintenance of juvenile homes, facilities for education, training, rehabilitation etc., of the juveniles. The Board also co-ordinates the activities among various official and non-official agencies. The Advisory Board consists of experts and representatives of voluntary organizations. The Advisory Board, however, does not have representation of experienced social workers. It is well known that the social workers play an important and useful role in resolving a variety of serious social and individual problems in our society. So, they must have a place in the Advisory Board set up under this Act. Moreover, there is no fixed tenure for the members of the Advisory Board. This lacuna may give room for an element of arbitrariness in the matter of the term of the members. Therefore, it is proposed to provide for a fixed tenure.

The Bill seeks to amend the Act accordingly.

NEW DELHI;
June 25, 2001.

RAMESH CHENNITHALA.

BILL No. 48 OF 2001

A bill further to amend the Forest (Conservation) Act, 1980.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Forest (Conservation) Amendment Act, 2001.

Short title

69 of 1980.

2. After section 2 of the Forest (Conservation) Act, 1980, the following section, shall be inserted, namely:—

Insertion of
new section
2A.

“2A. The Central Government shall not withhold its approval under section 2 if the proposals of a State Government or any authority for use of forest land for non-forest purposes also contains compensatory afforestation schemes.”.

Government
not to withhold
approval if
proposals
contain
compensatory
afforestation
schemes

STATEMENT OF OBJECTS AND REASONS

Clearing of forest for non-forest use has always generated controversy. On the one hand the precious forest has to be preserved in order to maintain the ecological balance and on the other the developmental requirements have to be met. The forest land may have to be used for meeting developmental needs in certain circumstances. A large number of projects in various States involving the use of Forest land have either been rejected or are lying pending with the Central authorities which have seriously hampered the developmental work.

This problem is crying for solution. Compensatory afforestation is a reasonable solution. Although, the guidelines issued by the Government stipulates this as one of the conditions, the Forest (Conservation) Act, 1980 does not contain any provision in this regard.

Hence an amendment is necessary in the Act to incorporate a provision regarding compensatory afforestation.

NEW DELHI;
June 25, 2001.

RAMESH CHENNITHALA.

G. C. MALHOTRA,
Secretary-General.